

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE: EPHEDRA PRODUCTS LIABILITY : 04 MD 1598 (JSR)
LITIGATION :
:----- x
: 06 CV 00014
:----- x
Pertains to: : **DECLARATION OF JOANNE M.**
Harbir Singh, *et al.* v. Herbalife International : **GRAY IN SUPPORT OF**
Communications, Inc., *et al.* : **DEFENDANTS' MOTION FOR**
: **SUMMARY JUDGMENT**
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Pursuant to 28 U.S.C. § 1746, Joanne M. Gray, of legal age, states as follows:

1. I am a member of the firm of Goodwin Procter LLP, attorneys of record for defendants Herbalife International Communications, Inc., Herbalife International of America, Inc., and Steve Peterson (collectively, "Herbalife") in the above-captioned case. This declaration is based upon my information and belief, based upon my knowledge of the file maintained in my office on this matter.

2. This declaration is filed in support of Defendants' Motion for Summary judgment
3. Filed herewith are true and correct copies of the following documents:

Exhibit A: Transcript of Deposition of Harbir Singh, dated November 8, 2006

Exhibit B: Transcript of Deposition of Steve Peterson, dated December 5, 2006

Exhibit C: Label for Herbalife Original Green

Exhibit D: Transcript of Deposition of Bruce Charles Zablow, M.D, dated January 10, 2007

Exhibit E: Report of Radiology Examination, dated May 12, 2003

Exhibit F: Complaint Dated December 28, 2005

Exhibit G: Notice of Assignment, dated January 10, 2006

Exhibit H: Defendants' Answers to Complaint, dated January 30, 2006 and February 28, 2006

Exhibit I: Expert Report of Lawrence W. Shields, M.D, dated December 4, 2006

Exhibit J: Notice of Motion to Preclude Plaintiffs' Case-Specific Experts' Opinions or Portions Thereof, dated May 14, 2007

Exhibit K: Transcript from *Daubert* hearing, dated July 9, 2007

Exhibit L: Memorandum Order, *Harbir Singh et al v. Herbalife Int'l Communications, Inc. et al.*, No. 06 Civ. 00014 (S.D.N.Y. July 13, 2007)

Exhibit M: Memorandum Order, *Smoot v. AST Sports Science, Inc.*, No. 04 M.D. 1598, No. 04 Civ. 5482 (S.D.N.Y. Feb 28, 2006)

Exhibit N: Transcript of Deposition of Lawrence Shields, M.D., dated February 20, 2007

Exhibit O: H. B. Locksley, Report on the Cooperative Study of Intracranial Aneurysms and Subarachnoid Hemorrhage, Section V, Part I, Natural History of Subarachnoid Hemorrhage, Intracranial Aneurysms and Arteriovenous Malformations, *Neurosurgery*, 219-239, 226, 1966

Exhibit P: J. van Gijn, R. S. Kerr, and G. J. E. Rinkel, Subarachnoid haemorrhage, *Lancet* 369:307 (2007)

Exhibit Q: Fourth Amended Generic Expert Report of Steven R. Levine, M.D., dated February 27, 2006

Exhibit R: Transcript of Deposition of John F. Dashe, M.D., dated April 12, 2007

Exhibit S: Expert Report of John F. Dashe, dated February 26, 2007

Exhibit T: Defendants' Disclosure of Expert Witnesses, dated February 27, 2007

Exhibit U: Letter from Frederick McGowen to David B. Rheingold, dated March 7, 2007

Exhibit V	Transcript of Deposition of Vasile Panait, dated December 5, 2006
Exhibit W	Plaintiffs' Fact Sheet
Exhibit X	Internal Revenue Service Record
Exhibit Y	Herbalife's Request for Production of Documents and Things, dated November 25, 2006; Plaintiffs' Response and Objections to Herbalife's Request for Production of Documents, dated December 21, 2006
Exhibit Z	E-Mail Ruling by Special Master Niss, dated August 9, 2006
Exhibit AA	Transcript of Deposition of Doina Caragata, dated November 15, 2006

4. I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on July 27, 2007.

s/ Joanne M. Gray
Joanne M. Gray (JG-7287)

CERTIFICATE OF SERVICE

I hereby certify that on July 27, 2007, I caused a true and correct copy of the foregoing DECLARATION OF JOANNE M. GRAY IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY JUDGMENT to be served via E-Mail, Federal Express overnight mail, and the Electronic Case Filing system, upon:

David B. Rheingold, Esq.
Rheingold, Valet, Rheingold, Shkolnik & McCartney LLP
113 East 37th Street
New York, NY 10016

/s/ Joanne M. Gray
Joanne M. Gray (JG-7287)